



REGISTER NOTICE

SAN # 2010-17

1. TITLE OF THE REGULATIONS:

Amendment to Regulation 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Under Section 112(k) of the 1990 Clean Air Act Amendments, Congress mandated that the EPA identify 30 or more hazardous air pollutants (HAPs) that posed the greatest threat to public health in urban areas, to identify the small area sources that emit those HAPs, and to develop regulations to reduce the emissions of those HAPs. In 1999, the EPA identified 33 HAPs that posed the greatest threat to public health and has, since that time, identified over 60 new area source categories for which regulations are being developed.

On December 2, 2009, the EPA promulgated another of these area source category standards that will affect existing and future Delaware sources, the area source standard for asphalt processing and asphalt roofing products manufacturing operations under 40 CFR Part 63 Subpart AAAAAAA.

Delaware is proposing to amend Regulation 1138 by adding a new Section 16 that covers asphalt processing and asphalt roofing products manufacturing operations. The purpose of this proposed amendment is to provide increased protection for Delaware citizens against a variety of potential adverse health effects linked to a long term exposure to polycyclic aromatic hydrocarbons, PAHs. Lung cancer is the primary concern. Seven of the PAHs have been classified as Group B2, probable human carcinogens by EPA. The proposed amendment will provide greater consistency between Delaware's air toxics standards for these types of operations and the recently promulgated federal standard (40 CFR Part 63 Subpart AAAAAAA) on which this proposed amendment is heavily based. In addition, this amendment proposes to include a more health protective requirement that currently exists in similar area source air toxics standards found in Regulation 1138 and other Delaware air regulations.

3. POSSIBLE TERMS OF THE AGENCY ACTION: None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT: 7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL: None

6. NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, September 22, 2010 beginning at 6:00 PM in the DNREC's Grantham Lane Conference Room, 715 Grantham Lane, New Castle, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

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August 3, 2010
Date